

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
 :
 : **3:15-CR-18**
 :
 :
 v. :
 : **(JUDGE MANNION)**
 :
 JASON A. MUSKEY, :
 :
 Defendant :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. Muskey's Emergency Motion for Transfer to Home Confinement because of the COVID-19 pandemic, **(Doc. 52)**, considered as a motion for compassionate release, is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction due to his failure to exhaust his BOP administrative remedies under §3582(c)(1)(A)(i).
2. Insofar as Muskey is challenging any decision by the BOP that he is not eligible for home confinement designation under the CARES Act, his petition is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: June 30, 2020

15-18-03-ORDER